

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: **CASE NO.** 13-11718
David L. Gross,
JUDGE: FOX
Debtor.

SECOND AMENDED CHAPTER 13 PLAN

☐ Original ☒ Modified/Notice Required ☐ Modified/No Notice Required

Date: October 21, 2013

**THE DEBTOR HAS FILED FOR RELIEF
UNDER CHAPTER 13 OF THE BANKRUPTCY CODE**

YOUR RIGHTS WILL BE AFFECTED

You should have received from the Court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the Confirmation Hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any Motion included in it must file a written objection within the time frame stated in the Notice. This Plan may be confirmed and become binding, and included motions granted without further notice or hearing, unless a written objection is filed before the deadline stated in the Notice.

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN MAKES
REFERENCE TO YOUR CLAIM.**

1. **PAYMENT AND LENGTH OF PLAN**

- a. The Debtor has paid to date **\$1,865.74** to the Chapter 13 Standing Trustee, and beginning **October 28, 2013**, shall pay **\$60.82** for **28 months** for a new amended base of **\$3,212.00**.
- b. The Debtor shall make Plan payments to the Trustee from the following sources:
- [X] Future earnings.
- [] Other sources of funding (describe source, amount and date when funds are available).
- [] Sale or refinance of the following assets on or before _____.

2. **PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
PA Department of Revenue	Unsecured	2157.58

3. **SECURED CLAIMS**

a. **Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearage(s) on monthly obligations and the Debtor shall pay directly to the creditor (outside of the Plan) monthly obligations that become due and owing after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
PA Department of Revenue	Personal Taxes	1,054.42		1,054.42	As Billed
Bear & Co. Docket #SC-08-06-03-3571 Judgment Avoided 4/5/13	Judgment	5,087.00		5,087.00	Judgment Avoided 4/5/13 Prorata Distribution Only to this Creditor

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Carlisle, LP Docket #090102222 Judgment Avoided 4/5/13	Judgment	25,000.00		25,000.00	Judgment Avoided 4/5/13 Prorata Distribution Only to this Creditor
Terry Pompey, Sr., a/k/a, d/b/a: Power of Attorney for Chester and Queen Esther Pompey Docket No. SC-08-08-21-6291	Judgment	10,082.00		10,082.00	Avoidance Judgment Pending Prorata Distribution Only to this Creditor
Estate of Anne Ballinger, POA for Edward Watson Docket No. SC-08-08-21-6291	Judgment	65,388.85		65,388.85	Avoidance Judgment Pending Prorata Distribution Only to this Creditor

b. Modification

- 1). The Debtor values collateral as indicated below. If the Claim may be modified under §1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "**NO VALUE**" it shall be treated as an unsecured claim.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
*Does not include any pro rata distribution on the unsecured portion.							

- Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.
- 2).

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
LaSalle Bank Real Estate Sold at Sheriff Sale 8/5/2008; Possession of Real Estate Taken 5/2013	2201 North 53 rd Street, a/k/a 5241 Gainor Road, Philadelphia County, Philadelphia, Pennsylvania 19131	1.00	0.00
City of Philadelphia Surrender Pending Confirmation	2422 W. Harold Street	42,092.00	0.00 – Non-Exempt Proceeds to be Paid Pro-Rata to Unsecured Creditors

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
N/A

4. UNSECURED CLAIMS

- a. **Not separately classified.** Allowed non-priority unsecured claims shall be paid:
- [] Not less than \$ to be distributed *pro rata*
- [] Not less than 100 Percent for all timely filed claims
- [X] Pro rata distribution from any remaining funds of non-exempt proceeds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Bear & Co. Docket #SC-08-06-03-3571	Avoided Judgment 4/5/13	Prorata Distribution	Prorata Distribution Only to this Creditor \$5,087.00
Carlisle, LP Docket # 090102222	Avoided Judgment 4/5/13	Prorata Distribution	Prorata Distribution Only to this Creditor \$25,000.00

5. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

6. **OTHER PLAN PROVISIONS**

a. **Vesting Property of the Estate**

Property of the Estate shall revert in the Debtor:

☒ Upon Confirmation.

☐ Upon Discharge.

b. **Payment Notices**

Creditors and Lessors provided for in Sections 3, 5, or 6 may continue to mail customary notices or coupons to the Debtor, notwithstanding the automatic stay.

c. **Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- (1) Trustee Commissions
- (2) Administrative
- (3) Secured
- (4) Priority
- (5) Unsecured

Date: October 21, 2013

/s/Sherri Dicks

SHERRI DICKS

Attorney for the Debtor

I hereby certify that the factual statements included in this Plan are true and correct to the best of my knowledge, information and belief. I am aware that if any of the factual statements made by me are willfully false, I am subject to punishment under both federal and state laws.

Date: October 21, 2013

/s/David L. Gross

DAVID L. GROSS

Debtor